**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE J.B.KOSHY**

**MONDAY, THE 24TH SEPTEMBER 2007 / 2ND ASWINA 1929**

**Crl.Rev.Pet.No. 663 of 1998()**

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**CMP.6156/1997 of JUDL. MAGISTRATE OF FIRST CLASS, VAIKOM**

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**REVN. PETITIONER/PETITIONER/COMPLAINANT:**
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**RAVEENDRAN ALIAS RAVI, S/O.KRISHNAN KUTTY,**
**KRISHNA VILASOM, THALAYOLAPARAMBU VADAYAR,**
**VAIKOM.**

**BY ADV. SRI.V.G.ARUN**

**RESPONDENTS/RESPONDENTS/ACCUSED:**
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**1.DINESAN,S/O.KRISHNAN,THACHARAYIL VEEDU,**
**THALAYOLAPARAMBU, VADAYAR.**

**2.SOMARAJAN ALIAS SOMAN,S/O.KITTU PILLAI,**
**MATTATHIL KUNNEL VEEDU, ADIYOM BHAGOM,**
**THALAYOLAPARAMBU P.O.**

**3.KITTU PILLAI, S/O.KITTU, DO. DO.**

**4.STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR,**
**HIGH COURT OF KERALA, ERNAKULAM.**

**BY ADV. SRI.P.K.ABOOBACKER(EDATHALA)**
**SRI.C.A.SHIHABUDEEN**
**PUBLIC PROSECUTOR SRI.NOBLE MATHEW**

**THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**J.B.KOSHY, J.**

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**Criminal R.P.No.663 OF 1998 ()**

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**Dated this the 24th day of September, 2007**

**O R D E R**

This revision petition is filed against the acquittal of the respondent in this case. A private complaint was filed under Sections.323, 324, 341 and 392 read with Section 34 of the Indian Penal Code. The accused was acquitted as according to the complainant, the incident in which he was injured occurred at about 9 p.m. on 10.4.1996 about 50 feet away from the house of the complainant. He reported the matter to the Doctor of P.H. Centre only at 2.45 a.m. on 11.4.1996 and no explanation was given for the delay caused in reporting the matter to the doctor. P.H. Centre was situated very close to his house. It was also stated that he was the accused in Crime No.185/1996 registered at the instance of the contesting respondent and he was on bail and that matter was suppressed. Court also found that no witnesses from the neighbourhood was examined. An eye witness who was living

in a distant place was examined and according to him he saw the incident as he was waiting in the bus stand till 6 a.m. on the next day awaiting bus. The court below disbelieved the chance witness rightly. It is well settled that only if there is patent illegality or perverse finding order of acquittal can be reversed. I see no ground to reverse the finding as it is a possible finding. Accordingly this revision petition is dismissed.

**J.B.KOSHY, JUDGE**

**prp**

**J.B.KOSHY**

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**Criminal.R.P.663 OF 1998**

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**O R D E R**

**24th September, 2007**